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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,221	06/08/2000	Nobuo Ogata	49899(904)	1363
21874	7590	09/07/2006	EXAMINER	
EDWARDS & ANGELL, LLP				CHU, KIM KWOK
P.O. BOX 55874				
BOSTON, MA 02205				
		ART UNIT		PAPER NUMBER
		2627		

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/590,221	OGATA, NOBUO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kim-Kwok CHU	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 6/8/2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

***Response to Remarks***

1. Applicant's Remarks filed on May 16, 2006 has been considered. The amended claims 6 and 9 are rejected with the same prior art of Fuji (U.S. Patent 5,852,599).

With respect to the claimed feature "adjusting area to show correspondence of a wobbling polarity", Applicant states that the prior art of Fuji's notches 5 do so only in combination with, and in synchronization with, a single wobbling side wall 5 (page 6 of the Remarks, lines 6-8).

Accordingly, even though Fuji's notch 5 requires combination of other track structures to determine the track's polarity, the notch 5 still satisfy Applicant's claim limitation because the notch 5 is used to determine the wobbling polarity ( $h'$  in Figs. 5a and 5b) of the tracks area by utilizing its physical structure as a reference signal which represents the polarity of the wobbling tracks.

***Drawings***

2. Figures 11 and 12 should be designated by a legend such as --Prior Art-- as Applicant discloses in the specification, pages 3 and 4.

***Claim Objections***

3. Claim 6 is objected to because of the following informalities:

(a) in claim 6, line 3, the term "one other" does not read right and should be changed to --one another--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

5. Claims 6-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fuji (U.S. Patent 5,852,599).

6. Fuji teaches a recording medium having all the elements and means as recited in claims 6-8. For example, Fuji teaches the following:

(a) With respect to Claim 6, the recording medium 1 provided with first and second track areas formed as adjacent first and second lands 6 that each have a wobble wall 4 spaced from one other by a groove 9 that is not itself a track area (Fig. 1; groove 9 is not a land track area); the first and second lands 6 each also having a non-wobbled side wall 7 opposite (face) the wobbled side wall 4 of the associated one of the first and second lands 6 (Fig. 1); the first and second track area provide an adjusting area 5 to show correspondence of a wobbling polarity h to the first and second track areas (Figs. 5a and 5b; column 13, lines 43-61).

(b) With respect to Claim 7, different widths are given to the first track area 6 and second track area 3 in the adjusting area 64, 65 (Fig. 18; widths of tracks 6 and 3 at position 5 are different because the location of the notch).

(c) With respect to Claim 8, in case that the recording medium 1 is a disk, the adjusting area 5 is provided in at least one of innermost and outermost areas of the disk (Fig. 1; adjusting area 5 exists in the inner track and the outer track).

7. Fuji teaches a recording medium having all the elements and means as recited in claims 9-11. For example, Fuji teaches the following:

(a) With respect to Claim 9, the recording medium 1 provided with a first and second track areas formed as adjacent first and second grooves 2, 9 that each have a wobble wall 4, 4' spaced from one another by a land 3 that is not itself a track area (Fig. 1, land 3 is not a groove track); the first and second grooves 2, 9 each also having a non-wobble side wall 7, 8 opposite the wobble side wall 4, 4' of the associated one of the first and second grooves 2, 9 (Fig. 1); the first and second track areas provides an adjusting area 5 to show correspondence of a wobbling polarity to the first and second track areas (Figs. 5a and 5b; column 13, lines 43-61).

(b) With respect to Claim 10, different widths are given to the first track area 2 and second track area 9 in the adjusting area 5 (Fig. 1; widths of tracks 2 and 9 at positions 5 are different because the location of the notch).

(c) With respect to Claim 11, a in case that the recording medium 1 is a disk, the adjusting area 5 is provided in at least one of innermost and outermost areas of the disk (Fig. 1; adjusting area 5 exists in the inner track and the outer track).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eguchi et al. (6,292,458) is pertinent because Eguchi teaches an optical disc having wobbling lands and grooves.

Van Den Enden et al. (6,181,658) is pertinent because Van Den Enden teaches an optical disc having wobbling lands and grooves.

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch, can be reached on (57) 272-7589.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU

*KC* 8/23/06  
Examiner AU2627  
August 23, 2006  
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